

**RESOLUTION AUTHORIZING PARTIAL TERMINATION OF TEMPORARY
EASEMENT**

NO. 2019-101

WHEREAS, pursuant to a Grant of Easement and Agreement dated September 21, 1998, Northwood Village Associates Ltd. granted the City of Commerce City ("City") easements for the installation and operation of utilities along Chambers Road, including a temporary construction easement for the initial construction of facilities and utilities to be located within the permanent easement ("Temporary Easement");

WHEREAS, ProTerra Properties, as the current developer of Buffalo Run MU-1, Amendment No. 2 ("Developer"), has requested that vacate the Temporary Easement;

WHEREAS, the City no longer needs the Temporary Easement and desires to vacate the Temporary Easement;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE CITY, COLORADO, AS FOLLOWS:

1. The Temporary Easement is not necessary for any public purpose and is hereby authorized.
2. The Mayor and City Clerk are hereby authorized to execute and attest, on behalf of the City, the Partial Termination of Temporary Easement document substantially in the form attached as Exhibit A.

RESOLVED AND PASSED THIS 16TH DAY OF SEPTEMBER.

CITY OF COMMERCE CITY, COLORADO

Sean Ford, Mayor

ATTEST

Laura J. Bauer, MMC, City Clerk

EXHIBIT A

After recording please return to:

Davis & Ceriani, P.C.
Attention: Edward R. Gorab
1600 Stout Street, Suite 1710
Denver, CO 80202

PARTIAL TERMINATION OF TEMPORARY EASEMENT

THIS PARTIAL TERMINATION OF TEMPORARY EASEMENT (“**Termination**”) is made as of the ____ day of _____, 2019, by the City of Commerce City, Colorado, a municipal corporation (“**City**”).

RECITALS

A. The City was granted a temporary easement over certain real property known as Lot 1, Block 1, Buffalo Run MU-1, Amendment No. 1, Commerce City, Adams County, Colorado (“**Property**”) for construction of facilities pursuant to Section 2 of that certain Grant of Easement and Agreement recorded in the real estate records of Adams County, Colorado on May 5, 1999 as Reception No. C0539116 (“**Easement**”).

B. The City wishes to terminate and release all rights it has under the Easement with respect to the temporary easement granted by Section 2 of the Easement (“**Temporary Easement**”).

NOW THEREFORE, in consideration of the foregoing recitals, for \$10 and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City hereby agrees as follows:

RELEASE

1. Termination and Release. The City, for itself, its successors and assigns, hereby unconditionally terminates and releases all rights, title, and interest it has under the Easement with respect to the Temporary Easement as it is located on the Property, and upon recordation of this Release, the Temporary Easement shall no longer burden the Property and shall be of no further force or effect.

2. Reservation of Other Rights. This Termination shall have no effect on any rights of the City under the Easement that are not expressly terminated and released hereby.

3. Further Assurances. The City shall take all actions and execute all documents reasonably requested by the owner of any interest in the Property to confirm the termination and release set forth herein.

4. Recitals. The Recitals set forth above and all exhibits hereto are incorporated herein by reference as if set forth at length.

[SIGNATURE PAGE FOLLOWS]

EXHIBIT A

IN WITNESS WHEREOF, this Termination and Release is executed as of the date first written above.

**City of Commerce City, Colorado, a
municipal corporation:**

By: _____
Sean Ford, Mayor

Attest:

Laura J. Bauer, MMC, City Clerk